



# Federal Register

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**Monday,  
May 14, 2001**

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**Part V**

## **Department of Defense**

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**Semiannual Regulatory Agenda**

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**DEPARTMENT OF DEFENSE (DOD)**

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**DEPARTMENT OF DEFENSE****32 CFR Chs. I, V, VI, and VII****33 CFR Ch. II****36 CFR Ch. III****Improving Government Regulations;  
Unified Agenda of Federal Regulatory  
and Deregulatory Actions****AGENCY:** Department of Defense (DoD).**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Department of Defense (DoD) is publishing this semiannual agenda of regulatory documents, including those that are procurement-related, for public information and comments under Executive Order 12866 "Regulatory Planning and Review." This agenda incorporates the objective and criteria, when applicable, of the regulatory reform program under the Executive order and other regulatory guidance. It contains DoD issuances initiated by DoD components that may have economic and environmental impact on State, local, or tribal interests under the criteria of Executive Order 12866. Although most DoD issuances listed in the agenda are of negligible public impact, their nature may be of public interest and, therefore, are published to provide notice of rulemaking and an opportunity for public participation in the internal DoD rulemaking process.

The agenda portion of this document updates the report published on November 30, 2000, and includes regulations expected to be issued and under review over the next 12 months. The next agenda and regulatory plan are scheduled to be published in October 2001. In addition to this agenda, DoD components also publish rulemaking notices pertaining to their specific statutory administration requirements as required.

**FOR FURTHER INFORMATION CONTACT:** For information concerning the overall DoD regulatory improvement program and for general semiannual agenda information, contact Mr. Robert Cushing, telephone 703-604-6269, or write to Directorate for Information Operations and Reports, Washington Headquarters Services, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302, or e-mail: cushingr@dior.whs.mil.

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, write to Office of the General Counsel, 1600 Defense Pentagon, Washington, DC 20301-1600, or call 703-697-2714.

For general information on Office of the Secretary regulations, other than those which are procurement-related, contact Mr. Dan Cragg, telephone 703-601-4722, or write to Directives and Records Division, Directorate for Correspondence and Directives, Washington Headquarters Services, Suite 501, 1111 Jefferson Davis Highway, Arlington, Virginia 22202, or e-mail: dcragg@cd.whs.mil.

For general information on Office of the Secretary agenda items which are procurement-related, contact Ms. Kathleen Fenk, telephone 703-602-0296, or write to Defense Acquisition Regulations Directorate, 3062 Defense Pentagon, Washington, DC 20301-3062, or e-mail: fenkk@acq.osd.mil.

For general information on Department of the Army regulations, contact Mr. Gregory D. Showalter, telephone 703-806-3708, or write to the U.S. Army Records Management and Declassification Agency, ATTN: TAPC-PDD-RP, 6000 6th Street, Stop 5603, Fort Belvoir, Virginia 22060-5603, or e-mail: showalterg@rmpo.belvoir.army.mil.

For general information on the U.S. Army Corps of Engineers regulations, contact Mr. James Smyth, telephone 703-695-1370, or write to Office of the Deputy Assistant Secretary of the Army (Policy and Legislation), 108 Army Pentagon, Room 2E569, Washington, DC 20310-0108, or e-mail: james.smyth@hqda.army.mil.

For general information on Department of the Navy regulations, contact Lieutenant Commander James L. Roth, telephone 703-604-8218, or write to Department of the Navy, Office of the Judge Advocate General, Administrative Law Division (Code 13), Washington Navy Yard, 1322 Patterson Avenue SE., Suite 3000, Washington, DC 20374-5066, or e-mail: roth.james@hq.navy.mil.

For general information on Department of the Air Force regulations, contact Ms. Janet A. Long, telephone 703-588-6189, or write to Department of the Air Force, HQ AF/SCTIR, 1250 Air Force Pentagon, Washington, DC 20330-

1250, or e-mail: janet.long@pentagon.af.mil.

For specific agenda items, contact the appropriate individual indicated in each DoD component report.

**SUPPLEMENTARY INFORMATION:** This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions is composed of the regulatory status reports, including procurement-related regulatory status reports, from the Office of the Secretary of Defense (OSD) and the Departments of the Army, Navy, and Air Force. Included also is the regulatory status report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of Executive Order 12866 and involve water resource projects and regulation of activities in waters of the United States.

DoD issuances range from DoD directives (reflecting departmental policy) to implementing instructions and regulations (largely internal and used to implement directives). The OSD agenda section contains the primary directives under which DoD components promulgate their implementing regulations.

To ease identification and to differentiate among the variety of issuances reported, they are identified by their DoD internal numbering system, which denotes component level of authority and type of issuance, in addition to the required CFR number.

In addition, this agenda, although published under the reporting requirements of Executive Order 12866, continues to be the DoD single-source reporting vehicle, which identifies issuances that are currently applicable under the various regulatory reform programs in progress. Therefore, DoD components will identify those rules which come under the criteria of the:

- a. Regulatory Flexibility Act;
- b. Paperwork Reduction Act of 1995;
- c. Unfunded Mandates Reform Act of 1995.

Those DoD issuances, which are directly applicable under these statutes, will be identified in the agenda and their action status indicated. Generally, the regulatory status reports in this agenda will contain five sections: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; (4) completed actions; and (5) long-term actions. Where certain regulatory actions indicate that small entities are affected, the effect on these

**DOD**

entities may not necessarily have significant economic impact on a substantial number of these entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601(6)).

Although not a regulatory agency, DoD will continue to participate in regulatory initiatives designed to reduce economic costs and unnecessary environmental burdens upon the public.

Comments and recommendations are invited on the rules reported and should be addressed to the DoD component representatives identified in the regulatory status reports. Although sensitive to the needs of the public, as well as regulatory reform, DoD reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its

overall defense-oriented mission. The publishing of this agenda does not waive the applicability of the military affairs exemption in section 553 of title 5 U.S.C. and section 3 of Executive Order 12866.

**Dated:** February 26, 2001.

**D. O. Cooke,**

*Director, Administration and Management.*

## Office of the Secretary—Proposed Rule Stage

| Sequence Number | Title   | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 645             | Commercial Activities Program Procedures (DoD Instruction 4100.33) .....  | 0790-AG44                        |
| 646             | Personnel and General Claims .....  | 0790-AG47                        |
| 647             | Eligibility Requirements for Education of Minor Dependents in Overseas Areas (DoD Directive 1342.13) .....  | 0790-AG71                        |
| 648             | Eligibility Procedures for the Education of Minor Dependents in Overseas Areas (DoD Instruction 1342.XX) .....  | 0790-AG72                        |
| 649             | Implementation of Executive Order 13132 "Federalism" .....  | 0790-AG81                        |
| 650             | Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs and Activities Receiving Federal Financial Assistance ..... | 0790-AG83                        |

## Office of the Secretary—Final Rule Stage

| Sequence Number | Title   | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 651             | Science, Mathematics, and Engineering (SME) Education .....   | 0790-AF27                        |
| 652             | National Security Education Program (NSEP) Grants to Institutions of Higher Education (DoD Instruction 1025.5) ..                                       | 0790-AF59                        |
| 653             | Closed, Transferred, and Transferring Ranges Containing Military Munitions .....  | 0790-AG46                        |
| 654             | Personnel Security Policies for Granting Access to Classified Information .....   | 0790-AG54                        |
| 655             | National Policy on Reciprocity of Facilities and Guidelines for Implementation of Reciprocity .....   | 0790-AG55                        |
| 656             | National Policy on Technical Surveillance Countermeasures .....   | 0790-AG56                        |
| 657             | Implementation of the Wildfire Suppression Aircraft Transfer Act of 1996 (Pub. L. 104-307) .....  | 0790-AG60                        |
| 658             | Financial Institutions on DoD Installations .....   | 0790-AG73                        |
| 659             | Procedures Governing Banks, Credit Unions, and Other Financial Institutions on DoD Installations (7000.14-R) .....                                      | 0790-AG74                        |
| 660             | Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations ..... | 0790-AG76                        |
| 661             | Transactions Other Than Contracts, Grants, or Cooperative Agreements for Prototype Projects .....   | 0790-AG79                        |
| 662             | Revitalizing Base Closure Communities and Community Assistance .....  | 0790-AG80                        |

## Office of the Secretary—Long-Term Actions

| Sequence Number | Title   | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 663             | Teacher and Teacher's Aide Placement Assistance Program (Troops to Teachers) (DoD Instruction 1404.13) .....      | 0790-AF71                        |
| 664             | DLA Acquisition Regulation; Small Business and Small Disadvantaged Business Concerns .....                        | 0790-AF72                        |
| 665             | DLA Acquisition Regulation; Fuel Allocation Procedures .....  | 0790-AF73                        |
| 666             | Military Assistance for Civil Disturbances (MACDIS) (DoD Directive 3025.12) .....                                 | 0790-AG21                        |
| 667             | Former Spouse Payments From Retired Pay; Amendment (DoD Directive 1340.16 and DoD 7000.14-R, Vol 7, Part B) ..... | 0790-AG22                        |
| 668             | University Research Initiative Support Program (URISP) .....  | 0790-AG26                        |
| 669             | Restoration Advisory Boards (RABs) .....  | 0790-AG31                        |

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## Defense Acquisition Regulations Council—Long-Term Actions

| Sequence Number | Title   | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 670             | Incremental Funding, Fixed Price Contracts (DAR Case 90-037) .....  | 0750-AA07                        |
| 671             | Demilitarization (DFARS Case 92-D024) .....   | 0750-AA09                        |
| 672             | Acquisition of Commercial Items (DFARS Case 95-D712) .....  | 0750-AB00                        |
| 673             | DFARS Commercially Available Off-the-Shelf Items (DFARS Case 96-D316) .....   | 0750-AB40                        |
| 674             | Veterans Employment Emphasis (DFARS Case 97-D314) .....   | 0750-AC20                        |
| 675             | Anticompetitive Teaming (DFARS Case 1999-D028) .....  | 0750-AC98                        |
| 676             | Institutions of Higher Education (DFARS Case 1999-D303) .....   | 0750-AD05                        |
| 677             | Overseas Use of the Purchase Card in Contingency, Humanitarian, or Peacekeeping Operations (DFARS Case 2000-D019) ..... | 0750-AD16                        |
| 678             | Ocean Transportation by United States-Flag Vessels—Simplified Acquisition Threshold (DFARS Case 2000-D014) .....        | 0750-AD19                        |
| 679             | Change to Profit Policy (DFARS Case 2000-D018) .....  | 0750-AD21                        |
| 680             | Balance of Payments Program (DFARS Case 2000-D020) .....  | 0750-AD22                        |
| 681             | Domestic Source Restriction—Ball and Roller Bearings and Vessel Propellers (DFARS Case 2000-D301) .....                 | 0750-AD33                        |

## Defense Acquisition Regulations Council—Completed Actions

| Sequence Number | Title   | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 682             | Contracting for Commercial Construction (DFARS Case 98-D013) .....  | 0750-AC44                        |
| 683             | Foreign Military Sales Customer Observation in Contract Preparation and Negotiations (DFARS Case 1999-D005) ..... | 0750-AC85                        |
| 684             | Material Management and Accounting System (DFARS Case 2000-D003) .....  | 0750-AC96                        |
| 685             | Closeout of Foreign Military Sales (FMS) Contract Line Items (DFARS Case 2000-D002) .....                         | 0750-AD01                        |
| 686             | Pollution Control and Clean Air and Water (DFARS Case 2000-D004) .....  | 0750-AD13                        |
| 687             | DD Form 250, Material Inspection and Receiving Report (DFARS Case 2000-D008) .....                                | 0750-AD14                        |
| 688             | North American Industry Classification System (NAICS) (DFARS Case 2000-D015) .....                                | 0750-AD15                        |
| 689             | Profit Incentives To Produce Innovative New Technologies (DFARS Case 2000-D300) .....                             | 0750-AD17                        |
| 690             | Polyacrylonitrile Carbon Fiber (DFARS Case 2000-D017) .....   | 0750-AD20                        |
| 691             | Authority To Indemnify Against Unusually Hazardous or Nuclear Risks (DFARS Case 2000-D025) .....                  | 0750-AD48                        |
| 692             | Update of Small Business Specialist Functions (DFARS Case 2000-D021) .....  | 0750-AD49                        |

## Department of the Army—Final Rule Stage

| Sequence Number | Title  | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 693             | Environmental Analysis of Army Actions ..... | 0702-AA34                        |

## Department of the Army—Completed Actions

| Sequence Number | Title  | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 694             | Report on Use of Employees of Non-Federal Entities To Provide Services to the Department of the Army ..... | 0702-AA33                        |

## U.S. Army Corps of Engineers—Proposed Rule Stage

| Sequence Number | Title   | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 695             | Environmental Quality; Procedures for Implementing the National Environmental Policy Act (NEPA) ..... | 0710-AA42                        |

**DOD****U.S. Army Corps of Engineers—Long-Term Actions**

| Sequence Number | Title  | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 696             | Regulatory Programs of the Corps of Engineers .....  | 0710-AA30                        |
| 697             | Regulatory Programs of the Corps of Engineers—Wetland Delineator Certification Program .....   | 0710-AA38                        |
| 698             | Regulatory Programs of the Corps of Engineers, Endangered Species Act; Scope of Analysis ..... | 0710-AA43                        |
| 699             | Flood Control Cost-Sharing Requirements Under the Ability To Pay Provisions .....              | 0710-AA44                        |

**Department of the Navy—Final Rule Stage**

| Sequence Number | Title   | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 700             | Policies and Responsibilities for Implementation of the National Environmental Policy Act Within the Department of the Navy ..... | 0703-AA51                        |

**Department of the Navy—Long-Term Actions**

| Sequence Number | Title  | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 701             | Use of Department of the Navy Aviation Facilities by Other Than United States Department of Defense Aircraft ..... | 0703-AA48                        |
| 702             | Shipbuilding Capability Preservation Agreements .....  | 0703-AA50                        |

**Department of the Navy—Completed Actions**

| Sequence Number | Title  | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 703             | Disposition of Property .....  | 0703-AA60                        |
| 704             | Midway Islands Code .....  | 0703-AA61                        |
| 705             | Rules Applicable to the Public .....   | 0703-AA62                        |
| 706             | Rules Limiting Public Access to Particular Installations .....   | 0703-AA63                        |
| 707             | Naval Discharge Review Board .....   | 0703-AA64                        |
| 708             | Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972 ..... | 0703-AA65                        |
| 709             | Assistance to and Support of Dependents; Paternity Complaints .....  | 0703-AA66                        |
| 710             | Garnishment of Pay of Naval Military and Civilian Personnel for Collection of Child Support and Alimony .....  | 0703-AA67                        |
| 711             | Admiralty Claims .....   | 0703-AA68                        |
| 712             | Rules Applicable to the Public .....   | 0703-AA69                        |

**Department of the Air Force—Proposed Rule Stage**

| Sequence Number | Title   | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 713             | Installation Entry Policy, Civil Disturbance Intervention and Disaster Assistance ..... | 0701-AA64                        |

**Department of the Air Force—Final Rule Stage**

| Sequence Number | Title  | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 714             | Appointment to the United States Air Force Academy ..... | 0701-AA58                        |
| 715             | Wake Island Code .....                                   | 0701-AA65                        |

## DOD

## Department of the Air Force—Completed Actions

| Sequence Number | Title  | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 716             | Delivery of Personnel to U.S. Civilian Authorities for Trial .....     | 0701-AA60                        |
| 717             | Release, Dissemination, and Sale of Visual Information Materials ..... | 0701-AA62                        |
| 718             | Visual Information Documentation Program .....                         | 0701-AA63                        |
| 719             | Personal Financial Responsibility .....                                | 0701-AA66                        |

## Office of Assistant Secretary for Health Affairs—Final Rule Stage

| Sequence Number | Title   | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 720             | Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Hospital Payment for Ambulatory Care (DoD 6010.8-R) .....                        | 0720-AA20                        |
| 721             | Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Transplants (DoD 6010.8-R) .....   | 0720-AA28                        |
| 722             | Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Exception to the CHAMPUS Dual Compensation/Conflict of Interest Provisions ..... | 0720-AA41                        |
| 723             | Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Prosthetic Devices .....   | 0720-AA49                        |
| 724             | Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Double Coverage .....  | 0720-AA50                        |
| 725             | Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Program; Double Coverage; Third-Party Recoveries .....                   | 0720-AA52                        |
| 726             | Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Establishment of an Appeals Process for TRICARE Claimcheck Denials .....         | 0720-AA56                        |
| 727             | Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Methodology for Coverage of NIH-Sponsored Clinical Trials .....                  | 0720-AA57                        |
| 728             | Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Payments for Professional Services in Low-Access Locations .....                 | 0720-AA58                        |
| 729             | Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Prime Enrollment .....   | 0720-AA59                        |
| 730             | TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Bonus Payments in Medically Underserved Areas .....                     | 0720-AA60                        |
| 731             | Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Enhancement of Dental Benefits Under the TRICARE Retiree Dental Program .....    | 0720-AA61                        |

## Office of Assistant Secretary for Health Affairs—Completed Actions

| Sequence Number | Title  | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 732             | Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Family Member Dental Plan ..... | 0720-AA53                        |

**DEPARTMENT OF DEFENSE (DOD)**  
**Office of the Secretary (OS)**
**Proposed Rule Stage**
**645. COMMERCIAL ACTIVITIES  
PROGRAM PROCEDURES (DOD  
INSTRUCTION 4100.33)**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 5 USC 552**CFR Citation:** 32 CFR 164**Legal Deadline:** None**Abstract:** OMB issued a revised Circular No. A-76 supplemental handbook that contained streamlined

cost comparison guidance. This rule updates DoD unique policies and assigns responsibility for commercial activities as contained in OMB Circular No. A-76, Revised Supplemental Handbook "Performance of Commercial Activities." This rule also removes 32 CFR part 169a.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 04/00/01 |         |

| Action   | Date     | FR Cite |
|--|----------|---------|
| NPRM Comment Period End  | 06/00/01 |         |
| <b>Regulatory Flexibility Analysis Required:</b> No                                  |          |         |
| <b>Government Levels Affected:</b> None  |          |         |
| <b>Federalism:</b> Undetermined  |          |         |
| <b>Agency Contact:</b> John Horsfall, Department of Defense, Office of the Secretary |          |         |

## DOD—OS

## Proposed Rule Stage

Phone: 703 604-6735

RIN: 0790–AG44

#### 646. PERSONNEL AND GENERAL CLAIMS

**Priority:** Other Significant

**Legal Authority:** 5 USC 5584; 10 USC 2575; 10 USC 2771; 10 USC 2774; 24 USC 420; 31 USC 3702; 32 USC 714; 32 USC 716; 37 USC 554

**CFR Citation:** 32 CFR 153

**Legal Deadline:** None

**Abstract:** The Legislative Branch Appropriations Act of 1996 transferred to the Director of the Office of Management and Budget (OMB) the Comptroller General's authority to settle claims. The OMB Director subsequently delegated some of these authorities to the Department of Defense (DoD). Later, the General Accounting Office Act of 1996 codified many of these delegations and transferred to the OMB Director the authority of the Comptroller General to waive uniformed service member and employee debts arising out of the erroneous payment of pay or allowances exceeding \$1,500. The OMB Director subsequently delegated the authority to waive such debts of uniformed service members to DoD and the authority to waive employee debts to the employee's agency (non-DoD agencies may request an advisory opinion from DoD). The Secretary of Defense further delegated his claims settlement authority to the Defense Office of Hearings and Appeals (DOHA). This proposed rule seeks public comments on the procedures that DOHA proposes to use to implement these authorities.

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 04/00/01 |         |
| NPRM Comment Period End | 06/00/01 |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Additional Information:** Pending analysis of public comments and issuance of final regulations, DOHA intends to use the procedures and practices applicable to claims and waiver applications before the effective dates of the transfers of authority, June 30, 1996, and December 18, 1996,

respectively, which are published in title 4, Code of Federal Regulations, chapter 1, subchapters C and G. See also 61 FR 50285, September 25, 1996; and 62 FR 5387, February 5, 1997.

**Agency Contact:** Michael Hipple, Department of Defense, Office of the Secretary  
Phone: 703 696-8524

RIN: 0790–AG47

#### 647. ELIGIBILITY REQUIREMENTS FOR EDUCATION OF MINOR DEPENDENTS IN OVERSEAS AREAS (DOD DIRECTIVE 1342.13)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 20 USC 921-932; PL 105-261

**CFR Citation:** 32 CFR 83

**Legal Deadline:** None

**Abstract:** This rule updates eligibility requirements for the education of minor dependents in overseas areas. The updates reflect recent legislation in section 657 of Public Law 105-261 "Strom Thurmond National Defense Authorization Act for Fiscal Year 1999," October 17, 1998, which authorizes the Secretary of Defense to pay an educational allowance to defray the educational expense of certain overseas, space-required dependents.

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 04/00/01 |         |
| NPRM Comment Period End | 06/00/01 |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Gail Terres, Department of Defense, Office of the Secretary  
Phone: 703 696-4545

RIN: 0790–AG71

#### 648. ELIGIBILITY PROCEDURES FOR THE EDUCATION OF MINOR DEPENDENTS IN OVERSEAS AREAS (DOD INSTRUCTION 1342.XX)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 20 USC 921-932; PL 105-261

**CFR Citation:** 32 CFR 84

**Legal Deadline:** None

**Abstract:** This rule implements policy, assigns responsibilities, and outlines

the procedures including the recent education allowance legislation that allows sponsors the choice of schools (subject to the Department of State Standardized Regulation (DSSR) rates) in areas where DoD does not operate schools.

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 04/00/01 |         |
| NPRM Comment Period End | 06/00/01 |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Gail Terres, Department of Defense, Office of the Secretary  
Phone: 703 696-4545

RIN: 0790–AG72

#### 649. IMPLEMENTATION OF EXECUTIVE ORDER 13132 "FEDERALISM"

**Priority:** Substantive, Nonsignificant

**Legal Authority:** EO 13132

**CFR Citation:** 32 CFR 339

**Legal Deadline:** None

**Abstract:** This rule assigns responsibilities and prescribes procedures for the implementation of Executive Order 13132 "Federalism" within the Department of Defense. This rule establishes an accountable consultation process with State and local officials in the development of policies having Federalism implications. The Director, Administration and Management, was designated the Federalism official for the Department of Defense by Secretary of Defense memorandum. Accordingly, the Federalism official has established an accountable process for meaningful and timely intergovernmental consultation, will monitor compliance with the Executive order, and will provide certification of compliance and reports to the Office of Management and Budget. Costs attributed to the rulemaking and budgetary effects are negligible. The primary qualitative benefit from this rulemaking lies in establishing a regulatory and policymaking approach that respects the role of State and local governments by ensuring the opportunity for timely and meaningful consultation.

## DOD—OS

## Proposed Rule Stage

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 04/00/01 |         |
| NPRM Comment Period End | 06/00/01 |         |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Sectors Affected:** None

**Agency Contact:** Robert Cushing,  
Department of Defense, Office of the  
Secretary  
Phone: 703 604-6269

**RIN:** 0790-AG81

# 650. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, HANDICAP, AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 794; 42 USC 2000d to 2000d-7; 42 USC 6101 to 6107; EO 12250

**CFR Citation:** Not Yet Determined**Legal Deadline:** None

**Abstract:** The Department of Defense proposes to make amendments to its regulations implementing title VI of the Civil Rights Act of 1964 (title VI), section 504 of the Rehabilitation Act of 1972 (section 504), and the Age Discrimination Act of 1975 (Age Discrimination Act). Together, these statutes prohibit discrimination on the basis of race, color, national origin, disability, and age in programs or activities that receive Federal financial assistance. In 1988, the Civil Rights Restoration Act (CRRRA) added definitions of “program or activity” and “program” to title VI and added a definition of “program or activity” to section 504 and the Age Discrimination Act. The added definitions were designed to clarify the broad scope of coverage of recipients’ programs or activities under these statutes. The promulgation of this proposed regulation explicitly incorporates the CRRRA’s definition of “program or activity” and “program” into the Department of Defense’s title VI,

section 504, and Age Discrimination Act regulations. The Department of Defense’s proposed regulation will be published as part of a joint notice of proposed rulemaking involving up to 24 Federal agencies.

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 04/00/01 |         |
| NPRM Comment Period End | 06/00/01 |         |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

**Agency Contact:** Jerry Anderson,  
Department of Defense, Office of the  
Secretary  
Phone: 703 695-0105

**RIN:** 0790-AG83

## DEPARTMENT OF DEFENSE (DOD)

## Final Rule Stage

## Office of the Secretary (OS)

# 651. SCIENCE, MATHEMATICS, AND ENGINEERING (SME) EDUCATION

**Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 301**CFR Citation:** 32 CFR 118**Legal Deadline:** None

**Abstract:** This rule provides support to institutions of higher education through infrastructure assistance to historically black colleges and universities and minority institutions. It also defines minority institutions and establishes procedures for DoD programs and activities in science, mathematics, and engineering (SME) education.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 12/17/93 | 58 FR 65956 |
| NPRM Comment Period End | 02/15/94 |             |
| Final Action            | 04/00/01 |             |
| Final Action Effective  | 06/00/01 |             |

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Federalism:** Undetermined

**Agency Contact:** Keith Thompson,  
Department of Defense, Office of the  
Secretary  
Phone: 703 696-0378

Email: thompsonk@acq.osd.mil

**RIN:** 0790-AF27

# 652. NATIONAL SECURITY EDUCATION PROGRAM (NSEP) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION (DOD INSTRUCTION 1025.5)

**Priority:** Substantive, Nonsignificant**Legal Authority:** 20 USC 1141(a)**CFR Citation:** 32 CFR 206

**Legal Deadline:** Final, Statutory, April 5, 1994.

**Abstract:** The National Security Education Act provided for the National Security Education Program, the National Security Education Board, and a trust fund in the U.S. Treasury to provide all resources for the program. Under the Act, the Secretary is directed to carry out a program to

award undergraduate scholarships, graduate fellowships, and grants to institutions of higher education. This rule is to inform those concerned with institutional grants to be offered under the 1994-1995 pilot grants program of the preliminary guidelines.

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule Effective          | 05/05/94 | 59 FR 26116 |
| Interim Final Rule                    | 05/19/94 | 59 FR 26116 |
| Interim Final Rule Comment Period End | 07/18/94 |             |
| Final Action                          | 04/00/01 |             |
| Final Action Effective                | 06/00/01 |             |

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Organizations**Government Levels Affected:** None**Federalism:** Undetermined

**Agency Contact:** Steve Door,  
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## Final Rule Stage

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RIN: 0790–AF59

### 653. CLOSED, TRANSFERRED, AND TRANSFERRING RANGES CONTAINING MILITARY MUNITIONS

**Priority:** Other Significant

**Legal Authority:** 10 USC 172 et seq; 10 USC 2701 et seq; 42 USC 9601 et seq; EO 12580

**CFR Citation:** 32 CFR 178

**Legal Deadline:** None

**Abstract:** The proposal for this Department of Defense (DoD) rule addresses the unique explosives safety considerations associated with military munitions (including UXO) and the need for environmental protection, and it does so under DERP, 10 U.S.C. 172 et seq., and CERCLA authorities.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 09/26/97 | 62 FR 50796 |
| Public Meetings Begin   | 10/22/97 |             |
| Public Meetings End     | 12/10/97 |             |
| NPRM Comment Period End | 12/26/97 |             |
| Final Action            | 04/00/01 |             |
| Final Action Effective  | 06/00/01 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

**Agency Contact:** Col John Selstrom, Department of Defense, Office of the Secretary, Room 3E787, Deputy Under Secretary of Defense (Environmental Security), 3400 Defense Pentagon, Washington, DC 20301-3400  
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RIN: 0790–AG46

### 654. PERSONNEL SECURITY POLICIES FOR GRANTING ACCESS TO CLASSIFIED INFORMATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** EO 12968

**CFR Citation:** 32 CFR 147

**Legal Deadline:** None

**Abstract:** This rule is published to streamline security practices throughout the Government. Uniform adjudicative guidelines, investigative standards, and guidelines for temporary access are being established. This

initiative will simplify security processing and allow the deserving public to obtain a security clearance in a faster, more efficient manner.

**Timetable:**

| Action                                | Date     | FR Cite    |
|---------------------------------------|----------|------------|
| Interim Final Rule                    | 01/30/98 | 63 FR 4572 |
| Interim Final Rule Effective          | 03/24/98 |            |
| Interim Final Rule Comment Period End | 03/31/98 |            |
| Final Action                          | 04/00/01 |            |
| Final Action Effective                | 06/00/01 |            |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Terence Thompson, Department of Defense, Office of the Secretary  
Phone: 703 602-9969

RIN: 0790–AG54

### 655. NATIONAL POLICY ON RECIPROCITY OF FACILITIES AND GUIDELINES FOR IMPLEMENTATION OF RECIPROCITY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** EO 12968

**CFR Citation:** 32 CFR 148

**Legal Deadline:** None

**Abstract:** This rule is published to make physical facilities available for reciprocal use in the storage of classified information. Once a facility has been certified as suitable for classified use by one organization, it may also be used by another for like purposes.

**Timetable:**

| Action                                | Date     | FR Cite    |
|---------------------------------------|----------|------------|
| Interim Final Rule Effective          | 09/16/97 | 63 FR 4580 |
| Interim Final Rule                    | 01/30/98 | 63 FR 4580 |
| Interim Final Rule Comment Period End | 03/31/98 |            |
| Final Action                          | 04/00/01 |            |
| Final Action Effective                | 06/00/01 |            |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Terence Thompson, Department of Defense, Office of the Secretary  
Phone: 703 602-9969

RIN: 0790–AG55

### 656. NATIONAL POLICY ON TECHNICAL SURVEILLANCE COUNTERMEASURES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** EO 12968

**CFR Citation:** 32 CFR 149

**Legal Deadline:** None

**Abstract:** This rule is published to limit the use of technical surveillance countermeasures within the boundaries of the U.S. to cases where there is a reasonable showing of threat.

**Timetable:**

| Action                                | Date     | FR Cite    |
|---------------------------------------|----------|------------|
| Interim Final Rule Effective          | 09/16/97 | 63 FR 4582 |
| Interim Final Rule                    | 01/30/98 | 63 FR 4582 |
| Interim Final Rule Comment Period End | 03/31/98 |            |
| Final Action                          | 04/00/01 |            |
| Final Action Effective                | 06/00/01 |            |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Terence Thompson, Department of Defense, Office of the Secretary  
Phone: 703 602-9969

RIN: 0790–AG56

### 657. IMPLEMENTATION OF THE WILDFIRE SUPPRESSION AIRCRAFT TRANSFER ACT OF 1996 (PUB. L. 104-307)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 104-307

**CFR Citation:** 32 CFR 171

**Legal Deadline:** Final, Statutory, September 30, 1998.

**Abstract:** The Wildfire Suppression Aircraft Transfer Act of 1996 states that, notwithstanding section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and subject to subsections (b) and (c), the Secretary of Defense may, during the period beginning October 1, 1996, and ending on September 30, 2000, sell certain aircraft and aircraft parts to persons or entities that contract with the Federal Government for the delivery of fire retardant by air to suppress wildfire. The Act states that, as soon as practicable after the date of the enactment of the Act, the Secretary of Defense shall, in consultation with the Secretary of Agriculture and the

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Administrator of General Services, prescribe regulations relating to the sale of aircraft and aircraft parts under this section. This interim final rule prescribes regulations to implement the Wildlife Suppression Aircraft Transfer Act of 1996.

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 06/01/99 | 64 FR 29227 |
| Interim Final Rule Effective          | 06/01/99 |             |
| Interim Final Rule Comment Period End | 08/02/99 |             |
| Final Action                          | 04/00/01 |             |
| Final Action Effective                | 06/00/01 |             |

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Federal

**Agency Contact:** Michael Stubblebine, Department of Defense, Office of the Secretary  
Phone: 703 767-1537

**RIN:** 0790-AG60

**658. FINANCIAL INSTITUTIONS ON DOD INSTALLATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 10 USC 136

**CFR Citation:** 32 CFR 230; 32 CFR 231a

**Legal Deadline:** None

**Abstract:** This rule proposes to remove 32 CFR part 231a "Procedures Governing Banking Offices on DoD Installations" and revise 32 CFR part 230 "Financial Institutions on DoD Installations." This rule is being promulgated to provide administrative guidelines for the operation of banks and credit unions on domestic and overseas installations of the Department of Defense and address areas such as the solicitation for such services, the types of services, and the logistics support provided.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 08/11/99 | 64 FR 43856 |
| NPRM Comment Period End | 10/12/99 |             |
| Final Action            | 04/00/01 |             |
| Final Action Effective  | 06/00/01 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Tom Summers, Department of Defense, Office of the Secretary  
Phone: 703 602-0299

**RIN:** 0790-AG73

**659. PROCEDURES GOVERNING BANKS, CREDIT UNIONS, AND OTHER FINANCIAL INSTITUTIONS ON DOD INSTALLATIONS (7000.14-R)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 10 USC 136

**CFR Citation:** 32 CFR 231

**Legal Deadline:** None

**Abstract:** This rule reflects the transition of operational responsibilities for banks and credit unions from the Office of the Under Secretary of Defense (Comptroller) to the Defense Finance and Accounting Service to address changes in financial-related technology and the vehicles through which financial services are delivered (i.e., in-store banking, electronic banking (ATMs)) and incorporates the procedural guidance contained in other DoD documents.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 08/11/99 | 64 FR 43858 |
| NPRM Comment Period End | 10/12/99 |             |
| Final Action            | 04/00/01 |             |
| Final Action Effective  | 06/00/01 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Tom Summers, Department of Defense, Office of the Secretary  
Phone: 703 602-0299

**RIN:** 0790-AG74

**660. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 10 USC 113

**CFR Citation:** 32 CFR 22; 32 CFR 32

**Legal Deadline:** None

**Abstract:** This rulemaking is the Department of Defense portion of a multiple-agency action. The agencies are amending their rules implementing Office of Management and Budget (OMB) Circular A-110 "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations." The amendments to the rules incorporate updated language in Circular A-110 requiring Federal awarding agencies to ensure that all data produced under awards subject to the Circular are made available to the public through the procedures established under the Freedom of Information Act (FOIA). OMB updated the Circular language in this way in October 1999, in response to a provision in Public Law 105-277. With this rule amendment to 32 CFR parts 22 and 32, the Department of Defense therefore will maintain policies on access to data produced under awards subject to Circular A-110 that are consistent with the policies of other Executive Departments and Agencies.

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 03/16/00 | 65 FR 14405 |
| Interim Final Rule Effective          | 04/17/00 |             |
| Interim Final Rule Comment Period End | 05/15/00 |             |
| Final Action                          | 04/00/01 |             |
| Final Action Effective                | 06/00/01 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Sectors Affected:** None

**Agency Contact:** Mark Herbst, Department of Defense, Office of the Secretary  
Phone: 703 696-0372  
Email: herbstm@acq.osd.mil

**RIN:** 0790-AG76

**661. TRANSACTIONS OTHER THAN CONTRACTS, GRANTS, OR COOPERATIVE AGREEMENTS FOR PROTOTYPE PROJECTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 106-65

**CFR Citation:** 32 CFR 3

**Legal Deadline:** None

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**Abstract:** This rule requires inclusion of a clause as required by law, providing for Comptroller General access to records in transactions other than contracts, grants, or cooperative agreements for prototype projects that provide for total payments in excess of \$5,000,000. This rule is published in the Federal Register for public comment because it directly impacts the public by prescribing conduct that must be followed by a party to, or entity that participates in the performance of, any such transaction.

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 06/05/00 | 65 FR 35576 |
| Interim Final Rule Effective          | 07/05/00 |             |
| Interim Final Rule Comment Period End | 08/04/00 |             |
| Final Action                          | 04/00/01 |             |
| Final Action Effective                | 06/00/01 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Sectors Affected:** None

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**RIN:** 0790-AG79

**662. REVITALIZING BASE CLOSURE COMMUNITIES AND COMMUNITY ASSISTANCE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 103-160

**CFR Citation:** 32 CFR 175

**Legal Deadline:** None

**Abstract:** On July 20, 1995, the Department of Defense published a final rule (60 FR 37337) implementing title XXIX of the National Defense Authorization Act for FY 1994 (Pub. L. 103-160) and the President's Five-Part Plan "A Program to Revitalize Base Closure Communities," July 2, 1993. This rule will amend the final rule to implement section 2821 of the FY 2000 Defense Authorization Act, which provides for the non-cost conveyance

of base closure property for job creation purposes. This new authority is essential to the Department's base reuse program because it improves the conveyance process and enhances our ability to support local communities' economic recovery efforts.

**Timetable:**

| Action                       | Date     | FR Cite |
|------------------------------|----------|---------|
| Interim Final Rule           | 04/00/01 |         |
| Interim Final Rule Effective | 06/00/01 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** State, Local

**Federalism:** Undetermined

**Sectors Affected:** None

**Agency Contact:** Patrick O'Brien, Department of Defense, Office of the Secretary

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**RIN:** 0790-AG80

## DEPARTMENT OF DEFENSE (DOD)

## Office of the Secretary (OS)

## Long-Term Actions

**663. TEACHER AND TEACHER'S AIDE PLACEMENT ASSISTANCE PROGRAM (TROOPS TO TEACHERS) (DOD INSTRUCTION 1404.13)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 32 CFR 254

**Timetable:**

| Action  | Date             | FR Cite     |
|---|------------------|-------------|
| Interim Final Rule                              | 02/15/94         | 59 FR 7213  |
| Interim Final Rule Effective                    | 02/22/94         |             |
| Interim Final Rule Comment Period End           | 04/18/94         |             |
| Interim Final Rule Amendment Effective          | 11/25/94         |             |
| Interim Final Rule Amendment                    | 06/08/95         | 60 FR 30188 |
| Interim Final Rule Amendment Comment Period End | 08/07/95         | 60 FR 30188 |
| Final Action                                    | To Be Determined |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Otto Thomas

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**RIN:** 0790-AF71

**664. DLA ACQUISITION REGULATION; SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 5419; 48 CFR 5452

**Timetable:**

| Action                  | Date             | FR Cite     |
|-------------------------|------------------|-------------|
| NPRM                    | 04/28/94         | 59 FR 21954 |
| NPRM Comment Period End | 06/27/94         |             |
| Final Action            | To Be Determined |             |

**Regulatory Flexibility Analysis**

**Required:** Yes

**Government Levels Affected:** Federal

**Federalism:** Undetermined

**Agency Contact:** Holley Bailey

Phone: 703 767-1374

**RIN:** 0790-AF72

**665. DLA ACQUISITION REGULATION; FUEL ALLOCATION PROCEDURES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 5452

**Timetable:**

| Action                  | Date             | FR Cite     |
|-------------------------|------------------|-------------|
| NPRM                    | 04/28/94         | 59 FR 21956 |
| NPRM Comment Period End | 06/27/94         |             |
| Final Action            | To Be Determined |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

**Federalism:** Undetermined

**Agency Contact:** Holley Bailey

Phone: 703 767-1374

**RIN:** 0790-AF73

## DOD—OS

## Long-Term Actions

**666. MILITARY ASSISTANCE FOR CIVIL DISTURBANCES (MACDIS) (DOD DIRECTIVE 3025.12)****Priority:** Other Significant**CFR Citation:** 32 CFR 215**Timetable:**

| Action       | Date             | FR Cite |
|--------------|------------------|---------|
| Final Action | To Be Determined |         |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State, Local, Federal**Federalism:** Undetermined**Agency Contact:** G. Warren  
Phone: 703 697-5454**RIN:** 0790-AG21**667. FORMER SPOUSE PAYMENTS FROM RETIRED PAY; AMENDMENT (DOD DIRECTIVE 1340.16 AND DOD 7000.14-R, VOL 7, PART B)****Priority:** Substantive, Nonsignificant**CFR Citation:** 32 CFR 63**Timetable:**

| Action | Date     | FR Cite     |
|--------|----------|-------------|
| NPRM   | 04/06/95 | 60 FR 17507 |

| Action                  | Date             | FR Cite |
|-------------------------|------------------|---------|
| NPRM Comment Period End | 06/06/95         |         |
| Final Action            | To Be Determined |         |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Fiti Malufau  
Phone: 703 607-5061  
Email: malufauf@cleveland.dfas.mil**RIN:** 0790-AG22**668. UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM (URISP)****Priority:** Substantive, Nonsignificant**CFR Citation:** 32 CFR 209**Timetable:**

| Action                  | Date             | FR Cite     |
|-------------------------|------------------|-------------|
| NPRM                    | 03/02/95         | 60 FR 11642 |
| NPRM Comment Period End | 05/01/95         |             |
| Final Action            | To Be Determined |             |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Evelyn Kent  
Phone: 703 696-0368  
Email: kente@acq.osd.mil**RIN:** 0790-AG26**669. RESTORATION ADVISORY BOARDS (RABS)****Priority:** Other Significant**CFR Citation:** 32 CFR 202**Timetable:**

| Action                           | Date             | FR Cite     |
|----------------------------------|------------------|-------------|
| NPRM                             | 08/06/96         | 61 FR 40764 |
| NPRM Comment Period End          | 11/04/96         | 61 FR 40765 |
| NPRM Extension of Comment Period | 11/19/96         | 61 FR 58803 |
| NPRM Comment Period End          | 01/20/97         |             |
| Final Action                     | To Be Determined |             |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Federalism:** Undetermined**Agency Contact:** Marcia Read  
Phone: 703 697-9793  
Email: readmw@acq.osd.mil**RIN:** 0790-AG31

## DEPARTMENT OF DEFENSE (DOD)

## Long-Term Actions

## Defense Acquisition Regulations Council (DARC)

**670. INCREMENTAL FUNDING, FIXED PRICE CONTRACTS (DAR CASE 90-037)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 232.7; 48 CFR 252.232**Timetable:**

| Action                   | Date     | FR Cite     |
|--------------------------|----------|-------------|
| Case Opened              | 09/26/90 |             |
| Interim Final Rule       | 09/01/93 | 58 FR 46091 |
| Next Action Undetermined |          |             |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** Kathleen Fenk  
Phone: 703 602-0131  
Fax: 703 602-0350  
Email: kathleen.fenk@osd.mil**RIN:** 0750-AA07**671. DEMILITARIZATION (DFARS CASE 92-D024)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 245; 48 CFR 252.245**Timetable:**

| Action                   | Date     | FR Cite     |
|--------------------------|----------|-------------|
| Case Opened              | 07/22/92 |             |
| NPRM                     | 03/16/94 | 59 FR 12223 |
| NPRM Comment Period End  | 06/30/94 |             |
| NPRM                     | 03/23/95 | 60 FR 15276 |
| NPRM Comment Period End  | 05/22/95 |             |
| NPRM                     | 06/05/97 | 62 FR 30832 |
| NPRM Comment Period End  | 08/04/97 |             |
| Next Action Undetermined |          |             |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** Kathleen Fenk  
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Email: kathleen.fenk@osd.mil

**RIN:** 0750-AA09**672. ACQUISITION OF COMMERCIAL ITEMS (DFARS CASE 95-D712)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 211.70; 48 CFR 212; 48 CFR 227.7102; 48 CFR 252.211; 48 CFR 252.212; 48 CFR 252.227**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Case Opened                           | 10/04/95 |             |
| Interim Final Rule                    | 11/30/95 | 60 FR 61585 |
| Interim Final Rule Effective          | 11/30/95 |             |
| Interim Final Rule Comment Period End | 01/29/96 |             |
| Next Action Undetermined              |          |             |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** Kathleen Fenk

## DOD—DARC

## Long-Term Actions

Phone: 703 602-0131  
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**RIN:** 0750—AB00

**673. DFARS COMMERCIALY AVAILABLE OFF-THE-SHELF ITEMS (DFARS CASE 96-D316)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 212

**Timetable:**

| Action                   | Date     | FR Cite |
|--------------------------|----------|---------|
| Case Opened              | 08/28/96 |         |
| Next Action Undetermined |          |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Kathleen Fenk  
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**RIN:** 0750—AB40

**674. VETERANS EMPLOYMENT EMPHASIS (DFARS CASE 97-D314)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 209.104; 48 CFR 212.503; 48 CFR 213.110; 48 CFR 217.207; 48 CFR 222.1304; 48 CFR 252.209

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Case Opened                           | 10/17/97 |             |
| Interim Final Rule                    | 03/11/98 | 63 FR 11850 |
| Interim Final Rule Effective          | 03/11/98 |             |
| Interim Final Rule Comment Period End | 05/11/98 |             |
| Next Action Undetermined              |          |             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Kathleen Fenk  
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**RIN:** 0750—AC20

**675. ANTICOMPETITIVE TEAMING (DFARS CASE 1999-D028)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 203.3

**Timetable:**

| Action                   | Date     | FR Cite     |
|--------------------------|----------|-------------|
| Case Opened              | 10/13/99 |             |
| NPRM                     | 11/18/99 | 64 FR 63002 |
| NPRM Comment Period End  | 01/18/00 |             |
| Next Action Undetermined |          |             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Kathleen Fenk  
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**RIN:** 0750—AC98

**676. INSTITUTIONS OF HIGHER EDUCATION (DFARS CASE 1999-D303)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 209.470; 48 CFR 243; 48 CFR 252.209

**Timetable:**

| Action                                | Date     | FR Cite    |
|---------------------------------------|----------|------------|
| Case Opened                           | 10/06/99 |            |
| Interim Final Rule                    | 01/13/00 | 65 FR 2056 |
| Interim Final Rule Comment Period End | 03/13/00 |            |
| Next Action Undetermined              |          |            |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Kathleen Fenk  
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**RIN:** 0750—AD05

**677. OVERSEAS USE OF THE PURCHASE CARD IN CONTINGENCY, HUMANITARIAN, OR PEACEKEEPING OPERATIONS (DFARS CASE 2000-D019)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 213.301

**Timetable:**

| Action                   | Date     | FR Cite     |
|--------------------------|----------|-------------|
| Case Opened              | 06/26/00 |             |
| NPRM                     | 09/20/00 | 65 FR 56858 |
| NPRM Comment Period End  | 11/20/00 |             |
| Next Action Undetermined |          |             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Kathleen Fenk  
Phone: 703 602-0131  
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**RIN:** 0750—AD16

**678. OCEAN TRANSPORTATION BY UNITED STATES-FLAG VESSELS—SIMPLIFIED ACQUISITION THRESHOLD (DFARS CASE 2000-D014)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 247.573; 48 CFR 252.247

**Timetable:**

| Action                   | Date     | FR Cite |
|--------------------------|----------|---------|
| Case Opened              | 05/12/00 |         |
| Next Action Undetermined |          |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Kathleen Fenk  
Phone: 703 602-0131  
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**RIN:** 0750—AD19

**679. CHANGE TO PROFIT POLICY (DFARS CASE 2000-D018)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 215.404

**Timetable:**

| Action                   | Date     | FR Cite     |
|--------------------------|----------|-------------|
| Case Opened              | 06/05/00 |             |
| NPRM                     | 07/24/00 | 65 FR 45574 |
| NPRM Comment Period End  | 09/22/00 |             |
| Next Action Undetermined |          |             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Kathleen Fenk  
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**RIN:** 0750—AD21

**680. BALANCE OF PAYMENTS PROGRAM (DFARS CASE 2000-D020)**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 225; 48 CFR 252.225

## DOD—DARC

## Long-Term Actions

## Timetable:

| Action                   | Date     | FR Cite |
|--------------------------|----------|---------|
| Case Opened              | 08/01/00 |         |
| Next Action Undetermined |          |         |

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: Federal

**Agency Contact:** Kathleen Fenk  
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 Email: kathleen.fenk@osd.mil

RIN: 0750—AD22

**681. DOMESTIC SOURCE  
 RESTRICTION—BALL AND ROLLER  
 BEARINGS AND VESSEL  
 PROPELLERS (DFARS CASE 2000-  
 D301)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 212.5; 48 CFR 225.70; 48 CFR 252.225

## Timetable:

| Action             | Date     | FR Cite     |
|--------------------|----------|-------------|
| Case Opened        | 08/16/00 |             |
| Interim Final Rule | 12/13/00 | 65 FR 77827 |

## Action Date FR Cite

Interim Final Rule 02/12/01  
 Comment Period  
 End

Next Action Undetermined

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: Federal

**Agency Contact:** Kathleen Fenk  
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 Email: kathleen.fenk@osd.mil

RIN: 0750—AD33

## DEPARTMENT OF DEFENSE (DOD)

## Completed Actions

## Defense Acquisition Regulations Council (DARC)

**682. CONTRACTING FOR  
 COMMERCIAL CONSTRUCTION  
 (DFARS CASE 98-D013)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 212; 48 CFR 252.212

## Completed:

| Reason      | Date     | FR Cite |
|-------------|----------|---------|
| Case Closed | 09/07/00 |         |

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: Federal

**Agency Contact:** Kathleen Fenk  
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 Fax: 703 602-0350  
 Email: kathleen.fenk@osd.mil

RIN: 0750—AC44

**684. MATERIAL MANAGEMENT AND  
 ACCOUNTING SYSTEM (DFARS CASE  
 2000-D003)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 242.72; 48 CFR 252.242

## Completed:

| Reason                 | Date     | FR Cite     |
|------------------------|----------|-------------|
| Final Action           | 12/13/00 | 65 FR 77832 |
| Final Action Effective | 12/13/00 |             |

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: Federal

**Agency Contact:** Kathleen Fenk  
 Phone: 703 602-0131  
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 Email: kathleen.fenk@osd.mil

RIN: 0750—AC96

**686. POLLUTION CONTROL AND  
 CLEAN AIR AND WATER (DFARS  
 CASE 2000-D004)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 223; 48 CFR 209.405

## Completed:

| Reason                 | Date     | FR Cite     |
|------------------------|----------|-------------|
| Final Action           | 08/31/00 | 65 FR 52954 |
| Final Action Effective | 08/31/00 |             |

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: Federal

**Agency Contact:** Kathleen Fenk  
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RIN: 0750—AD13

**683. FOREIGN MILITARY SALES  
 CUSTOMER OBSERVATION IN  
 CONTRACT PREPARATION AND  
 NEGOTIATIONS (DFARS CASE 1999-  
 D005)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 225.7304

## Completed:

| Reason                 | Date     | FR Cite     |
|------------------------|----------|-------------|
| Final Action           | 10/25/00 | 65 FR 63837 |
| Final Action Effective | 10/25/00 |             |

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: Federal

**Agency Contact:** Kathleen Fenk  
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 Email: kathleen.fenk@osd.mil

RIN: 0750—AC85

**685. CLOSEOUT OF FOREIGN  
 MILITARY SALES (FMS) CONTRACT  
 LINE ITEMS (DFARS CASE 2000-D002)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 204.804

## Completed:

| Reason                 | Date     | FR Cite     |
|------------------------|----------|-------------|
| Final Action           | 09/12/00 | 65 FR 54985 |
| Final Action Effective | 09/12/00 |             |

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: Federal

**Agency Contact:** Kathleen Fenk  
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 Fax: 703 602-0350  
 Email: kathleen.fenk@osd.mil

RIN: 0750—AD01

**687. DD FORM 250, MATERIAL  
 INSPECTION AND RECEIVING  
 REPORT (DFARS CASE 2000-D008)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 253; 48 CFR app F

## Completed:

| Reason                 | Date     | FR Cite     |
|------------------------|----------|-------------|
| Final Action           | 10/25/00 | 65 FR 63802 |
| Final Action Effective | 10/25/00 |             |

Regulatory Flexibility Analysis  
Required: No

Government Levels Affected: Federal

**Agency Contact:** Kathleen Fenk  
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RIN: 0750—AD14

## DOD—DARC

## Completed Actions

**688. NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) (DFARS CASE 2000-D015)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 217; 48 CFR 219; 48 CFR 236; 48 CFR app I**Completed:**

| Reason                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule Effective          | 10/01/00 |             |
| Interim Final Rule Comment Period End | 10/16/00 |             |
| Final Action                          | 12/13/00 | 65 FR 77831 |
| Final Action Effective                | 12/13/00 |             |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal

**Agency Contact:** Kathleen Fenk  
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 Email: kathleen.fenk@osd.mil  
**RIN:** 0750-AD15

**689. PROFIT INCENTIVES TO PRODUCE INNOVATIVE NEW TECHNOLOGIES (DFARS CASE 2000-D300)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 215**Completed:**

| Reason                 | Date     | FR Cite     |
|------------------------|----------|-------------|
| Final Action           | 12/13/00 | 65 FR 77829 |
| Final Action Effective | 12/13/00 |             |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal

**Agency Contact:** Kathleen Fenk  
 Phone: 703 602-0131  
 Fax: 703 602-0350  
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**RIN:** 0750-AD17

**690. POLYACRYLONITRILE CARBON FIBER (DFARS CASE 2000-D017)****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 225.7103**Completed:**

| Reason                 | Date     | FR Cite     |
|------------------------|----------|-------------|
| Final Action           | 12/13/00 | 65 FR 77832 |
| Final Action Effective | 12/13/00 |             |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal

**Agency Contact:** Kathleen Fenk  
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**RIN:** 0750-AD20

**691. • AUTHORITY TO INDEMNIFY AGAINST UNUSUALLY HAZARDOUS OR NUCLEAR RISKS (DFARS CASE 2000-D025)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 250.70; 48 CFR 250.201**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to reflect the authority of the Under Secretary of Defense for Acquisition, Technology, and Logistics to indemnify against unusually hazardous or nuclear risks.

**Timetable:**

| Action                 | Date     | FR Cite     |
|------------------------|----------|-------------|
| Case Opened            | 11/01/00 |             |
| Final Action           | 12/13/00 | 65 FR 77835 |
| Final Action Effective | 12/13/00 |             |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Kathleen Fenk, Procurement Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn:

IMD 3D139, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062  
 Phone: 703 602-0131  
 Fax: 703 602-0350  
 Email: kathleen.fenk@osd.mil

**RIN:** 0750-AD48**692. • UPDATE OF SMALL BUSINESS SPECIALIST FUNCTIONS (DFARS CASE 2000-D021)****Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 421**CFR Citation:** 48 CFR 219.201**Legal Deadline:** None

**Abstract:** Modifies the Defense FAR Supplement to update policy pertaining to the functions of small business specialists at the Department of Defense contracting activities. The revisions provide for small business specialist review of all proposed acquisitions exceeding \$10,000 in value.

**Timetable:**

| Action                 | Date     | FR Cite     |
|------------------------|----------|-------------|
| Case Opened            | 08/21/00 |             |
| Final Action           | 10/25/00 | 65 FR 63806 |
| Final Action Effective | 10/25/00 |             |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

**Procurement:** This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

**Agency Contact:** Kathleen Fenk, Procurement Analyst, Defense Acquisition Regulations Directorate, Department of Defense, Defense Acquisition Regulations Council, Attn: IMD 3D139, OUSD AT&L, 3062 Defense Pentagon, Washington, DC 20301-3062  
 Phone: 703 602-0131  
 Fax: 703 602-0350  
 Email: kathleen.fenk@osd.mil

**RIN:** 0750-AD49

**DEPARTMENT OF DEFENSE (DOD)**  
**Department of the Army (DOA)**
**Final Rule Stage****693. • ENVIRONMENTAL ANALYSIS OF ARMY ACTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4321**CFR Citation:** 32 CFR 651**Legal Deadline:** None

**Abstract:** This rule revises policies and procedures for assessing the effect of Army actions (32 CFR 651). The revision is intended to streamline portions of the Army environmental actions process and strives to meet the

spirit of the National Performance Review (NPR) and Executive Order 12861 "Elimination of One-Half of Executive Branch Internal Regulations."

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 09/07/00 | 65 FR 54348 |
| NPRM Comment | 11/06/00 |             |
| Period End   |          |             |
| Final Action | 07/00/01 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Gregory D. Showalter, Army Federal Register Liaison Officer, Department of Defense, Department of the Army, MS 5603, U.S. Army Records Mgmt and Declass Agency, Attn: TAPC-PDD-RP, 6000 6th Street, Fort Belvoir, VA 22060-5603

Phone: 703 693-8440

Email:

showalterg@rmmpo.belvoir.army.mil

**RIN:** 0702-AA34
**DEPARTMENT OF DEFENSE (DOD)**  
**Department of the Army (DOA)**
**Completed Actions****694. REPORT ON USE OF EMPLOYEES OF NON-FEDERAL ENTITIES TO PROVIDE SERVICES TO THE DEPARTMENT OF THE ARMY****Priority:** Substantive, Nonsignificant**CFR Citation:** 32 CFR 668**Completed:**

| Reason                 | Date     | FR Cite     |
|------------------------|----------|-------------|
| Final Action           | 12/26/00 | 65 FR 81357 |
| Final Action Effective | 12/26/00 |             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Gregory D. Showalter, Phone: 703 693-8440

Email:

showalterg@rmmpo.belvoir.army.mil

**RIN:** 0702-AA33
**DEPARTMENT OF DEFENSE (DOD)**  
**U.S. Army Corps of Engineers (COE)**
**Proposed Rule Stage****695. ENVIRONMENTAL QUALITY; PROCEDURES FOR IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4321 et seq; 40 CFR 1500.6**CFR Citation:** 33 CFR 230**Legal Deadline:** None

**Abstract:** The purpose of this regulatory revision is to clarify and

provide additional guidance for Corps NEPA requirements for activities at Federal water resource development projects and lands.

**Timetable:**

| Action                 | Date     | FR Cite |
|------------------------|----------|---------|
| NPRM                   | 10/00/01 |         |
| NPRM Comment           | 11/00/01 |         |
| Period End             |          |         |
| Final Action           | 02/00/02 |         |
| Final Action Effective | 09/00/02 |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Forrester Einarsen, Biologist, Department of Defense, U.S. Army Corps of Engineers, Office of Environmental Policy (CECW-AR-E), 7701 Telegraph Road, Alexandria, VA 22315-3861

Phone: 703 428-7081

**RIN:** 0710-AA42
**DEPARTMENT OF DEFENSE (DOD)**  
**U.S. Army Corps of Engineers (COE)**
**Long-Term Actions****696. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS****Priority:** Substantive, Nonsignificant**CFR Citation:** 33 CFR 320 to 330**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Sam Collinson

Phone: 202 761-0199

**RIN:** 0710-AA30**697. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS—WETLAND DELINEATOR CERTIFICATION PROGRAM****Priority:** Substantive, Nonsignificant

**CFR Citation:** 33 CFR 320; 33 CFR 323; 33 CFR 325; 33 CFR 328; 33 CFR 333

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| NPRM         | 03/14/95 | 60 FR 13654 |
| NPRM Comment | 04/13/95 |             |
| Period End   |          |             |

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Michael D. Smith



## DOD—COE

## Long-Term Actions

Phone: 202 761-0201

RIN: 0710-AA38

**698. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS, ENDANGERED SPECIES ACT; SCOPE OF ANALYSIS****Priority:** Substantive, Nonsignificant**CFR Citation:** 33 CFR 325**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Sam Collinson

Phone: 202 761-0199

RIN: 0710-AA43

**699. FLOOD CONTROL COST-SHARING REQUIREMENTS UNDER THE ABILITY TO PAY PROVISIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 33 CFR 241**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Federalism:** Undetermined**Agency Contact:** Harry M. Shoudy

Phone: 202 761-1977

RIN: 0710-AA44

## DEPARTMENT OF DEFENSE (DOD)

## Final Rule Stage

## Department of the Navy (NAVY)

**700. POLICIES AND RESPONSIBILITIES FOR IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT WITHIN THE DEPARTMENT OF THE NAVY****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 44502**CFR Citation:** 32 CFR 775 (Revision)**Legal Deadline:** None**Abstract:** The Department of the Navy is revising its regulations, which establish the responsibilities and procedures for complying with the

National Environmental Policy Act (NEPA). This revision clarifies when certain Department of the Navy actions must be studied to determine their effect on the human environment and what types of activities are excluded from the NEPA documentation requirements.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 07/09/99 | 64 FR 37069 |
| NPRM Comment Period End | 09/07/99 |             |
| Final Action            | 04/00/01 |             |

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Tom Egeland, Department of Defense, Department of the Navy, Office of the Assistant Secretary of the Navy (Installations and Environment), 2000 Navy Pentagon, Washington, DC 20350-2000  
Phone: 703 588-6671

RIN: 0703-AA51

## DEPARTMENT OF DEFENSE (DOD)

## Long-Term Actions

## Department of the Navy (NAVY)

**701. USE OF DEPARTMENT OF THE NAVY AVIATION FACILITIES BY OTHER THAN UNITED STATES DEPARTMENT OF DEFENSE AIRCRAFT****Priority:** Substantive, Nonsignificant**CFR Citation:** 32 CFR 766**Timetable:**

| Action                  | Date             | FR Cite     |
|-------------------------|------------------|-------------|
| NPRM                    | 12/01/94         | 59 FR 61561 |
| NPRM Comment Period End | 01/03/95         |             |
| Final Action            | To Be Determined |             |

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** James Beaton

Phone: 703 604-7707

Fax: 703 604-6969

RIN: 0703-AA48

**702. SHIPBUILDING CAPABILITY PRESERVATION AGREEMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 5231 (New)**Timetable:**

| Action             | Date     | FR Cite     |
|--------------------|----------|-------------|
| Interim Final Rule | 12/22/97 | 62 FR 66826 |

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

Interim Final Rule Effective 12/22/97

Interim Final Rule Comment Period End 02/20/98

Final Action To Be Determined

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Agency Contact:** Clarence Belton

Phone: 703 602-2807

Email: belton.clarence@hq.navy.mil

RIN: 0703-AA50

**DEPARTMENT OF DEFENSE (DOD)**  
**Department of the Navy (NAVY)**
**Completed Actions****703. DISPOSITION OF PROPERTY****Priority:** Substantive, Nonsignificant**CFR Citation:** 32 CFR 736**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 11/13/00 | 65 FR 67628 |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** James L. Roth  
 Phone: 703 604-8200  
 Fax: 703 604-6955  
 Email: roth.james@hq.navy.mil

**RIN:** 0703-AA60**704. MIDWAY ISLANDS CODE****Priority:** Substantive, Nonsignificant**CFR Citation:** 32 CFR 762**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 09/01/00 | 65 FR 53171 |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** James L. Roth  
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 Fax: 703 604-6955  
 Email: roth.james@hq.navy.mil

**RIN:** 0703-AA61**705. RULES APPLICABLE TO THE PUBLIC****Priority:** Info./Admin./Other**CFR Citation:** 32 CFR 765 (Revised)**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 09/01/00 | 65 FR 53171 |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** James L. Roth  
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 Fax: 703 604-6955  
 Email: roth.james@hq.navy.mil

**RIN:** 0703-AA62**706. RULES LIMITING PUBLIC ACCESS TO PARTICULAR INSTALLATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 32 CFR 770, subparts A, B, F, G**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 09/05/00 | 65 FR 53591 |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** James L. Roth  
 Phone: 703 604-8200  
 Fax: 703 604-6955  
 Email: roth.james@hq.navy.mil

**RIN:** 0703-AA63**707. • NAVAL DISCHARGE REVIEW BOARD****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 10 USC 1553**CFR Citation:** 36 CFR 724**Legal Deadline:** None

**Abstract:** The Department of the Navy is making amendments to its regulations governing the Naval Discharge Review Board.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 10/19/00 | 65 FR 62615 |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** LCDR James L. Roth  
 JAGC, USN, Department of Defense,  
 Department of the Navy, Suite 3000,  
 Head, Regulations/Leg. FOIA/Privacy  
 Act Branch, Office of the Judge  
 Advocate General, Washington Navy  
 Yard, 1322 Patterson Avenue SE,  
 Washington, DC 20374-5066  
 Phone: 703 604-8200  
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 Email: roth.james@hq.navy.mil

**RIN:** 0703-AA64**708. • CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972****Priority:** Routine and Frequent**Legal Authority:** 33 USC 1605**CFR Citation:** 36 CFR 706**Legal Deadline:** None

**Abstract:** The Department of the Navy is amending its certifications and

exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) has determined that certain entries in 32 CFR 706 are no longer applicable or that certain administrative corrections are required. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 12/20/00 | 65 FR 79740 |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** LCDR James L. Roth  
 JAGC, USN, Department of Defense,  
 Department of the Navy, Suite 3000,  
 Head, Regulations/Leg. FOIA/Privacy  
 Act Branch, Office of the Judge  
 Advocate General, Washington Navy  
 Yard, 1322 Patterson Avenue SE,  
 Washington, DC 20374-5066  
 Phone: 703 604-8200  
 Fax: 703 604-6955  
 Email: roth.james@hq.navy.mil

**RIN:** 0703-AA65**709. • ASSISTANCE TO AND SUPPORT OF DEPENDENTS; PATERNITY COMPLAINTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 10 USC 5013; 37 USC 101; EO 11157**CFR Citation:** 36 CFR 733**Legal Deadline:** None

**Abstract:** The Department of the Navy is amending its regulations regarding assistance to and support of family members and handling of paternity complaints. Significant administrative changes were made to Marine Corps specific provisions to reflect the language found in the Marine Corps Legal Administration Manual (LEGADMINMAN).

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 10/19/00 | 65 FR 62616 |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

## DOD—NAVY

## Completed Actions

**Agency Contact:** LCDR James L. Roth  
JAGC, USN, Department of Defense,  
Department of the Navy, Suite 3000,  
Head, Regulations/Leg. FOIA/Privacy  
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**RIN:** 0703-AA66

**710. • GARNISHMENT OF PAY OF  
NAVAL MILITARY AND CIVILIAN  
PERSONNEL FOR COLLECTION OF  
CHILD SUPPORT AND ALIMONY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 659

**CFR Citation:** 36 CFR 734

**Legal Deadline:** None

**Abstract:** The Department of the Navy is updating its regulation on garnishment of pay of naval military and civilian personnel for collection of child support and alimony.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 10/19/00 | 65 FR 62618 |

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** LCDR James L. Roth  
JAGC, USN, Department of Defense,  
Department of the Navy, Suite 3000,  
Head, Regulations/Leg. FOIA/Privacy  
Act Branch, Office of the Judge  
Advocate General, Washington Navy

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Washington, DC 20374-5066  
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Fax: 703 604-6955  
Email: roth.james@hq.navy.mil  
**RIN:** 0703-AA67

**711. • ADMIRALTY CLAIMS**

**Priority:** Info./Admin./Other

**Legal Authority:** 5 USC 301; 10 USC  
5013; 10 USC 7621; 10 USC 7622; 10  
USC 7623

**CFR Citation:** 36 CFR 752

**Legal Deadline:** None

**Abstract:** The Department of the Navy has updated its Admiralty Claims regulations to reflect administrative changes in the name and address of the Division, to correct and update citations to the United States Code, and to remove obsolete references.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 10/13/00 | 65 FR 60861 |

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** LCDR James L. Roth  
JAGC, USN, Department of Defense,  
Department of the Navy, Suite 3000,  
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Act Branch, Office of the Judge  
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**RIN:** 0703-AA68

**712. • RULES APPLICABLE TO THE  
PUBLIC**

**Priority:** Info./Admin./Other

**Legal Authority:** 5 USC 301; 10 USC  
133; 10 USC 5031; 10 USC 6011; 10  
USC 7881

**CFR Citation:** 32 CFR 765

**Legal Deadline:** None

**Abstract:** This rule sets forth administrative changes to the rules applicable to the public affecting information on the redelegation of authority to grant written permission to use the United States Marine Corps emblem, name, or initials and changes to mileage allowances on rewards for the return of Navy and Marine Corps absentees.

**Timetable:**

| Action       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 10/19/00 | 65 FR 62619 |

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0703-AA69

**DEPARTMENT OF DEFENSE (DOD)  
Department of the Air Force (AF)**

## Proposed Rule Stage

**713. INSTALLATION ENTRY POLICY,  
CIVIL DISTURBANCE INTERVENTION  
AND DISASTER ASSISTANCE**

**Priority:** Info./Admin./Other

**Legal Authority:** 10 USC 332-333, 50  
USC 797

**CFR Citation:** 32 CFR 808 (previously  
32 CFR 809a)

**Legal Deadline:** None

**Abstract:** This rule prescribes the installation commanders authority for

enforcing orders within or near Air Force installations and controlling entry. It also provides for guidance for use of military personnel in controlling civil disturbances and in supporting disaster relief operations.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 05/00/01 |         |

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 0701-AA64

**DEPARTMENT OF DEFENSE (DOD)**  
**Department of the Air Force (AF)**
**Final Rule Stage**
**714. APPOINTMENT TO THE UNITED STATES AIR FORCE ACADEMY**
**Priority:** Info./Admin./Other**Legal Authority:** 10 USC 903; 10 USC 8013**CFR Citation:** 32 CFR 901**Legal Deadline:** None

**Abstract:** This rule provides instructions on processing nominations and appointments to the United States Air Force Academy.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 12/01/97 | 62 FR 63485 |
| NPRM Comment Period End | 01/30/98 |             |
| Final Action            | 05/00/01 |             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Karen Parker, Department of Defense, Department of the Air Force, HQ USAFA RRA, 1040 Air Force Pentagon, Washington, DC 20330-1040

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RIN: 0701-AA58

**715. • WAKE ISLAND CODE**
**Priority:** Info./Admin./Other**Unfunded Mandates:** Undetermined**Legal Authority:** 74 Stat 424, PL 86-6244; EO 11048**CFR Citation:** 32 CFR 935 (Revised)**Legal Deadline:** None

**Abstract:** Revises and updates the Code to reflect current and anticipated use of Wake Island. Provides regulations for conduct not otherwise provided by law and provides a judicial system to enforce those requirements. Delegates authority to the Commander of Pacific Air Forces to perform most of the functions of civil administration.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 10/25/00 | 65 FR 63826 |
| NPRM Comment Period End | 12/26/00 |             |
| Final Action            | 05/00/01 |             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** This is the information for legal authority as it is generally listed. There is some duplication of information.

Sec. 48, Act of 12 July 1960; 74 Stat. 424, Pub. L. 86-624, E.O. 11048, Sept. 1, 1962, 27 FR 8851; agreement between Dept. of Interior and Department of the Air Force, dated June 19, 1972, 37 FR 12255, and Secretary of the Air Force, Order 111.1, dated April 26, 1999.

**Agency Contact:** Philip Sheuerman, Associate General Counsel, Department of Defense, Department of the Air Force, Room 4C921, SAF/GCN, 1740 Air Force Pentagon, Washington, DC 20330-1740

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RIN: 0701-AA65

**DEPARTMENT OF DEFENSE (DOD)**  
**Department of the Air Force (AF)**
**Completed Actions**
**716. DELIVERY OF PERSONNEL TO U.S. CIVILIAN AUTHORITIES FOR TRIAL**
**Priority:** Substantive, Nonsignificant**CFR Citation:** 32 CFR 884 (Revision)**Completed:**

| Reason     | Date     | FR Cite     |
|------------|----------|-------------|
| Final Rule | 10/27/00 | 65 FR 64348 |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Tom Jaster  
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RIN: 0701-AA60

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Ray Dabney  
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RIN: 0701-AA62

**718. VISUAL INFORMATION DOCUMENTATION PROGRAM**
**Priority:** Info./Admin./Other**CFR Citation:** 32 CFR 813 (previously 811a) (Revision)**Completed:**

| Reason     | Date     | FR Cite     |
|------------|----------|-------------|
| Final Rule | 10/30/00 | 65 FR 64620 |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Ray Dabney  
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RIN: 0701-AA63

**719. • PERSONAL FINANCIAL RESPONSIBILITY**
**Priority:** Info./Admin./Other**Legal Authority:** 10 USC 8013; 15 USC 1073; 42 USC 659; 42 USC 665**CFR Citation:** 32 CFR 818 (Removed)**Legal Deadline:** None

**Abstract:** Established Air Force policy governing alleged delinquent financial obligations.

**Timetable:**

| Action    | Date     | FR Cite     |
|-----------|----------|-------------|
| Withdrawn | 12/27/00 | 65 FR 81740 |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** HQ AFPC/DPSFM requested removal from the CFRs. This was last published in the Federal Register on June 30, 1988. Previous publication was published without RIN.

**Agency Contact:** MSgt Pamela Martin, Department of Defense, Department of

**717. RELEASE, DISSEMINATION, AND SALE OF VISUAL INFORMATION MATERIALS**
**Priority:** Info./Admin./Other**CFR Citation:** 32 CFR 811 (Revision)**Completed:**

| Reason     | Date     | FR Cite     |
|------------|----------|-------------|
| Final Rule | 10/30/00 | 65 FR 64619 |

## DOD—AF

## Completed Actions

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## DEPARTMENT OF DEFENSE (DOD)

## Final Rule Stage

## Office of Assistant Secretary for Health Affairs (DODOASHA)

## 720. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); HOSPITAL PAYMENT FOR AMBULATORY CARE (DOD 6010.8-R)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 10 USC 55; 5 USC 301

**CFR Citation:** 32 CFR 199

**Legal Deadline:** None

**Abstract:** This rule establishes a new payment method for ambulatory care (other than ambulatory surgery) provided by hospitals to CHAMPUS beneficiaries, under which payment amounts would be based on the cost of the service rather than on the billed charge, as at present.

### Timetable:

| Action                  | Date     | FR Cite    |
|-------------------------|----------|------------|
| NPRM                    | 01/20/94 | 59 FR 3046 |
| NPRM Comment Period End | 03/21/94 |            |
| Final Action            | 04/00/01 |            |
| Final Action Effective  | 06/00/01 |            |

### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Steve Lillie,  
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**RIN:** 0720-AA20

## 721. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); TRANSPLANTS (DOD 6010.8-R)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 10 USC 55; 5 USC 301

**CFR Citation:** 32 CFR 199

**Legal Deadline:** None

**Abstract:** This rule establishes coverage for heart-lung, single or double lung, and combined liver-kidney transplantation for those patients who meet specific patient selection criteria;

establishes preauthorization requirements for heart, liver, heart-lung, single or double lung, combined liver-kidney transplantation, high dose chemotherapy and stem cell transplantation, and air ambulance (in conjunction with lung or heart-lung transplantation preauthorizations); extends coverage of cardiac rehabilitation to those patients who have had heart valve surgery, heart or heart-lung transplantation; authorizes an exception to the ambulance benefit to allow organ transplantation candidates to be transported to a certified CHAMPUS organ transplant center instead of the closest appropriate facility; authorizes pulmonary rehabilitation for beneficiaries whose conditions are considered appropriate for pulmonary rehabilitation according to guidelines adopted by the Director, OCHAMPUS, or a designee; recognizes certain transplant centers that meet specific criteria as an authorized CHAMPUS institutional provider; and clarifies the CHAMPUS position on consortium programs for organ transplantation to allow individual hospitals which are members of a consortium to use the combined (pooled) experience and survival data of the consortium team to meet CHAMPUS requirements for authorization as a certified CHAMPUS organ transplant center.

### Timetable:

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 03/17/95 | 60 FR 14403 |
| NPRM Comment Period End | 05/16/95 |             |
| Final Action            | 04/00/01 |             |
| Final Action Effective  | 06/00/01 |             |

### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Cynthia Speight,  
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**RIN:** 0720-AA28

## 722. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); EXCEPTION TO THE CHAMPUS DUAL COMPENSATION/CONFLICT OF INTEREST PROVISIONS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 10 USC 55; 5 USC 301

**CFR Citation:** 32 CFR 199

**Legal Deadline:** None

**Abstract:** Currently, any individual who is a civilian employee of the United States Government cannot be authorized by CHAMPUS as a provider of medical services. We propose to provide an exception to this prohibition to permit these individuals to be authorized CHAMPUS providers if they meet three conditions. First, they must be employed by the Government agency on a part-time basis, that is, less than twenty (20) hours per week. Second, the agency must certify that unique or special circumstances detrimental to the delivery of quality health care exist that can be overcome only by employing part-time, non-Government physicians. Third, the agency and the physician must certify that they understand and have taken appropriate measures to avoid violation of Standards of Conduct, dual compensation, and conflict of interest requirements including protection against referral of patients to the employee's private practice.

### Timetable:

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 08/26/97 | 62 FR 45196 |
| NPRM Comment Period End | 10/27/97 |             |
| Final Action            | 04/00/01 |             |
| Final Action Effective  | 06/00/01 |             |

### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** None

**Federalism:** Undetermined

**Agency Contact:** Stephen Isaacson,  
Department of Defense, Office of  
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## DOD—DODOASHA

## Final Rule Stage

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RIN: 0720-AA41

**723. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); PROSTHETIC DEVICES****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

**Abstract:** This rule implements section 702 of the National Defense Authorization Act for Fiscal Year 1998 (Pub. L. 105-85), which authorizes purchase of prosthetic devices, as determined by the Secretary of Defense, to be necessary because of significant conditions resulting from trauma, congenital anomalies, or disease. The Act changes the existing limited provisions for prosthetic devices, expands coverage to include cost sharing of other prostheses; e.g., noses, ears, and fingers.

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule Effective          | 05/20/99 | 64 FR 45453 |
| Interim Final Rule                    | 08/20/99 | 64 FR 45453 |
| Interim Final Rule Comment Period End | 10/19/99 |             |
| Final Action                          | 04/00/01 |             |
| Final Action Effective                | 06/00/01 |             |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Federalism:** Undetermined

**Agency Contact:** Margaret Brown, Department of Defense, Office of Assistant Secretary for Health Affairs  
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RIN: 0720-AA49

**724. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); DOUBLE COVERAGE****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

**Abstract:** This rule clarifies our double coverage policy for non-institutional

claims for beneficiaries with primary health insurance. TRICARE network, non-network but participating, and non-participating providers are all reimbursed differently under current procedures. This has had the unintended effect of discouraging TRICARE network participation since non-network but participating providers receive the most favorable treatment with respect to double coverage calculations. The Department proposes to revise double coverage reimbursement calculations by reimbursing all providers up to 100 percent of the CHAMPUS Maximum Allowable Charge after the primary health insurance has paid or 115 percent for nonparticipating providers.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 06/17/99 | 64 FR 32451 |
| NPRM Comment Period End | 08/16/99 |             |
| Final Action            | 04/00/01 |             |
| Final Action Effective  | 06/00/01 |             |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Federalism:** Undetermined

**Agency Contact:** LTC Kathleen Larkin, Department of Defense, Office of Assistant Secretary for Health Affairs  
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RIN: 0720-AA50

**725. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); TRICARE PROGRAM; DOUBLE COVERAGE; THIRD-PARTY RECOVERIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

**Abstract:** This rule implements section 711 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, which allows the Secretary of Defense to authorize certain CHAMPUS/TRICARE claims to be paid, even though other health insurance may be primary payer, with authority to collect from the other health insurance (third-party payer) the CHAMPUS/TRICARE costs incurred on behalf of the beneficiary.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 10/19/99 | 64 FR 56283 |
| NPRM Comment Period End | 12/20/99 |             |
| Final Action            | 04/00/01 |             |
| Final Action Effective  | 06/00/01 |             |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Federalism:** Undetermined

**Agency Contact:** Robert Shepherd, Department of Defense, Office of Assistant Secretary for Health Affairs  
Phone: 303 676-3705

RIN: 0720-AA52

**726. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); ESTABLISHMENT OF AN APPEALS PROCESS FOR TRICARE CLAIMCHECK DENIALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

**Abstract:** This rule implements section 714 of the National Defense Authorization Act for FY 1999, which requires the establishment of an appeals process for denials by TRICARE Claimcheck (TCC) or any similar software system. This rule enhances the current appeals process by adding an additional level of appeal conducted at the TRICARE Management Activity (TMA) and by codifying the entire process in this part.

**Timetable:**

| Action                  | Date     | FR Cite    |
|-------------------------|----------|------------|
| NPRM                    | 01/13/00 | 65 FR 2085 |
| NPRM Comment Period End | 03/13/00 |            |
| Final Action            | 04/00/01 |            |
| Final Action Effective  | 06/00/01 |            |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Sectors Affected:** None

**Agency Contact:** Donald Wagner, Department of Defense, Office of Assistant Secretary for Health Affairs

## DOD—DODOASHA

## Final Rule Stage

Phone: 303 676-3411

RIN: 0720-AA56

**727. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); METHODOLOGY FOR COVERAGE OF NIH-SPONSORED CLINICAL TRIALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

**Abstract:** This rule modifies the general prohibition against CHAMPUS cost-sharing of unproven drugs, devices, and medical treatments or procedures by adding a provision allowing a waiver of the prohibition in connection with clinical trials sponsored by the National Institutes of Health, if it is determined that such a waiver will promote access by covered beneficiaries to promising new treatments and contribute to the development of such treatments.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 05/31/00 | 65 FR 34627 |
| NPRM Comment Period End | 07/31/00 |             |
| Final Rule              | 01/31/01 | 66 FR 8365  |
| Final Rule Withdrawn    | 02/07/01 | 66 FR 9199  |
| Final Rule Effective    | 03/02/01 |             |
| Final Action            | 06/00/01 |             |
| Final Action Effective  | 08/00/01 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Sectors Affected:** None

**Agency Contact:** Steve Lillie, Department of Defense, Office of Assistant Secretary for Health Affairs  
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RIN: 0720-AA57

**728. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); PAYMENTS FOR PROFESSIONAL SERVICES IN LOW-ACCESS LOCATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

**Abstract:** This rule implements section 716 of the National Defense Authorization Act for Fiscal Year 2000, which allows the Secretary of Defense to authorize higher provider reimbursement than normally allowable, with certain limitations, when necessary to ensure an adequate TRICARE Prime network of qualified providers. This rule also describes additional actions which may be taken under section 731 of the National Defense Authorization Act for Fiscal Year 1996 when TRICARE beneficiaries face very severe limitations on access to needed health care services. In such instances, the Assistant Secretary of Defense for Health Affairs may authorize higher TRICARE payments than would normally be allowable for professional services in a designated location.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 05/30/00 | 65 FR 34423 |
| NPRM Comment Period End | 07/31/00 |             |
| Final Action            | 04/00/01 |             |
| Final Action Effective  | 06/00/01 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Sectors Affected:** None

**Agency Contact:** Steve Lillie, Department of Defense, Office of Assistant Secretary for Health Affairs  
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RIN: 0720-AA58

**729. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); TRICARE PRIME ENROLLMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

**Abstract:** This rule provides for automatic enrollment of certain family members of E-4 and below in TRICARE Prime. When affected family members reside in a catchment area of a military medical treatment facility offering TRICARE Prime, the family members

will be automatically enrolled in TRICARE Prime and will choose or be assigned a Primary Care Manager located in the military medical treatment facility. Such automatic enrollment may be terminated at any time.

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 06/28/00 | 65 FR 39804 |
| Interim Final Rule Effective          | 07/28/00 |             |
| Interim Final Rule Comment Period End | 08/28/00 |             |
| Final Action                          | 04/00/01 |             |
| Final Action Effective                | 06/00/01 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No**Government Levels Affected:** None**Sectors Affected:** None

**Agency Contact:** LTC Kathleen Larkin, Department of Defense, Office of Assistant Secretary for Health Affairs  
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RIN: 0720-AA59

**730. TRICARE; CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); BONUS PAYMENTS IN MEDICALLY UNDERSERVED AREAS****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 55; 5 USC 301**CFR Citation:** 32 CFR 199**Legal Deadline:** None

**Abstract:** This rule implements a bonus payment, in addition to the amount normally paid under the allowable charge methodology, to providers in medically underserved areas. For purposes of this rule, medically underserved areas are the same as those determined by the Secretary of Health and Human Services for the Medicare program. Such bonus payments shall be equal to the bonus payments authorized by Medicare, except as necessary to recognize any unique or distinct characteristics or requirements of the CHAMPUS program and as described in instructions issued by the Director, OCHAMPUS. Due to the urgency for such bonus payments in medically underserved areas to alleviate problems by lower payments, the interim final rulemaking process has been utilized.

## DOD—DODOASHA

## Final Rule Stage

This rule promotes a reimbursement enhancement to a limited number of providers designed to increase CHAMPUS beneficiary access to care, which also supports the use of the interim final rule.

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 07/03/00 | 65 FR 41002 |
| Interim Final Rule Effective          | 08/02/00 |             |
| Interim Final Rule Comment Period End | 09/01/00 |             |
| Final Action                          | 04/00/01 |             |
| Final Action Effective                | 06/00/01 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Sectors Affected:** None

**Agency Contact:** Stan Regensberg, Department of Defense, Office of Assistant Secretary for Health Affairs, Washington, DC

Phone: 303 676-3742

**RIN:** 0720-AA60

**731. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); ENHANCEMENT OF DENTAL BENEFITS UNDER THE TRICARE RETIREE DENTAL PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 10 USC 55; 5 USC 301

**CFR Citation:** 32 CFR 199

**Legal Deadline:** None

**Abstract:** This rule implements section 704 of the National Defense Authorization Act for Fiscal Year 2000 to allow additional benefits under the retiree dental insurance plan for Uniformed Services retirees and their family members that may be comparable to those under the Dependents Dental Program. The Department of Defense is publishing this rule as an interim final rule in

order to comply timely with the desire of Congress to meet the needs of retirees for additional dental coverage.

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 08/14/00 | 65 FR 49491 |
| Interim Final Rule Effective          | 08/14/00 |             |
| Interim Final Rule Comment Period End | 10/13/00 |             |
| Final Action                          | 04/00/01 |             |
| Final Action Effective                | 06/00/01 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Sectors Affected:** None

**Agency Contact:** Linda Winter, Department of Defense, Office of Assistant Secretary for Health Affairs Phone: 303 676-3682

**RIN:** 0720-AA61

## DEPARTMENT OF DEFENSE (DOD)

## Completed Actions

## Office of Assistant Secretary for Health Affairs (DODOASHA)

**732. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); TRICARE FAMILY MEMBER DENTAL PLAN**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 32 CFR 199

**Completed:**

| Reason                 | Date     | FR Cite     |
|------------------------|----------|-------------|
| Final Action           | 10/23/00 | 65 FR 63202 |
| Final Action Effective | 02/01/01 |             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Sectors Affected:** None

**Agency Contact:** Brian Grassi Phone: 303 676-3496

**RIN:** 0720-AA53

[FR Doc. 01-5921 Filed 05-11-01; 8:45 am]

**BILLING CODE** 5001-10-S